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September 12, 2011

Via Email and U.S. First Class Mail

Joshua Rogaczewski
McDermott Will & Emery
600 Thirteenth Street, N.W.
Washington, D.C. 20005

**Re: *Sloan, et al. v. BorgWarner, et al.*
E.D. Mich. Case No. 09-cv-10918**

Dear Mr. Rogaczewski:

Plaintiffs agree to the Stipulated Order extending the case schedule by three months. Please file it. I have attached a Stipulation to withdraw Bob Bertram as a Plaintiff and continue his status as a class member for your review.

With respect to the deposition of Richard Nuerge, I am available for that deposition on October 5, 2011. I will notice his deposition this week.

Enclosed are two Rule 30(b)(6) Notices of Deposition, as well as Plaintiffs' First Request For Admissions to Defendants. I am willing to move the dates of the Rule 30(b)(6) depositions. Plaintiffs' Responses to Defendant's discovery requests will be sent under separate cover.

On a different matter, the Defendants subpoenaed Charles Smith for deposition on October 18, 2011. The subpoenaed Mr. Smith is a class member who retired in 1997 from Borg Warner's Muncie plant. It is my understanding there is a former UAW International Representative by the name of Charles Smith who serviced the membership at Borg Warner's Muncie facility. I wanted to let you know that if the Defendants are seeking to take the deposition of former International Representative Charles Smith they have subpoenaed the wrong person.

As for the Plaintiffs' depositions, you have informed me that Defendants intend to take their depositions as it relates to damages. I suggest that we ask the Court to bifurcate the case between

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a liability phase and a damages phase. If that is agreeable to you, then we can produce the Class Representatives for depositions on damages once the liability issue has been decided.

Very truly yours,

KLIMIST, McKNIGHT, SALE,
McCLOW & CANZANO, P.C.



David R. Radtke

DRR:pac
Enclosures

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLARD L. SLOAN, EUGENE J.
WINNINGHAM, BOB L. BERTRAM,
JAMES L. KELLEY, on behalf of
themselves and a similarly situated class,

Plaintiffs,

Case No. 09-cv-10918
Hon. Paul D. Borman
Magistrate Mona K. Majzoub

v.

Class Action

BORGWARNER, INC., BORGWARNER
FLEXIBLE BENEFITS PLANS and
BORGWARNER DIVERSIFIED
TRANSMISSION PRODUCTS, INC.,

Defendants.

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**STIPULATION TO WITHDRAW BOB L. BERTRAM AS A CLASS PLAINTIFF
AND CONTINUE HIS STATUS AS A CLASS MEMBER**

The parties, by their attorneys file this Stipulation to Withdraw Bob L. Bertram as a Plaintiff
and continue his status as a class member.

1. On April 3, 2009, Plaintiffs filed a Motion for Class Certification which requested Mr. Bertram become a Class Representative (Dkt. #14).

2. The Court found that Mr. Bertram was not an adequate representative of the class because he was in poor health (Dkt. #56).

3. The parties stipulate and agree that Mr. Bertram will be withdrawn as a Plaintiff in this action and instead will be a member of the class. The removal of Mr. Bertram from Plaintiff status does not prejudice his rights as a class member.

By: _____
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Dated:

It is so ordered.

Dated: September __, 2011

By: _____
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Dated:

UNITED STATES DISTRICT JUDGE